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AND
THE CRIMINALS:

AN ADDRESS

BY

WALTER M. FRANKLIN,

DISTRICT ATTORNEY OF LANCASTER COUNTY, PENNSYLVANIA,

ON RETIRING FROM OFFICE, DECEMBER 14, 1895.

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THE LAW AND THE CRIMINALS.

THE Commonwealth is a social structure whose foundation is in law. Law has been likened to a sort of second providence, guarding us at our birth and through our childhood and youth, arming us with the rights, immunities and franchises of manhood, securing us in our liberties and possessions, and giving us the peace and dignity of the Commonwealth. Without the beneficent reign of law, all that we are and all that we have would be the target for outlaws.

Lawlessness, or, in legal phraseology, crime, defined as the violation of public law, or more clearly, as any wrong which the government notices as injurious to the public, may be regarded as such an injury to the body politic as not only to deprive it of its normal symmetry, but to cause a sore, which if not healed, will sooner or later develop disease. Indeed, crime, as affecting the great body of the public, is cöordinate with disease, and in the view of many of the most advanced thinkers on the subject, may be treated as such.

DISEASE AND CRIME.

A recent writer has classed disease and crime as the two great scourges of humanity. And it is remarkable that notwithstanding the ravages made by both disease and crime through the long course of the ages, and the inevitable and deplorable results from ignorance and from improper treatment, mankind have stumbled along almost blindly in a haphazard, empirical conflict with its two greatest enemies, and only

within the present century, and more particularly indeed the present generation, have their eyes been opened to a more enlightened and scientific apprehension of these important subjects.

From the time of Hippocrates, the Father of Medicine, and doubtless long before, "the ills that flesh is heir to" have been the subject of most earnest consideration, and, in these latter days, of most practical and scientific investigation; so that the present generation is enjoying a rich harvest of results, and many more important discoveries may be confidently predicted from the scientific investigation and treatment of disease.

The same cannot be so confidently said with regard to crime, whose treatment is still "hopelessly empirical and unscientific." It is true, there has been much theorizing, and many earnest and profound scholars have been engaged in investigating the subject of crime, and they have made some important discoveries, and we have as a result "a vast literature in many languages," and the first fruits of what is recognized as the new science of criminology, which is in its infancy, and of which the great scientist, Cæsaire Lombroso, of the University of Turin, is the father.

CRIME IS INCREASING.

Whatever may be expected hereafter from the new science of criminology, and from the deductions of the later sociologists and penologists, it is asserted by keen observers that society is now and always has been an unequal contestant in the conflict with the criminals, and notwithstanding what appear to be most enlightened governmental regulations, with improved and almost perfected police administration, and vast ex-

penditures from the public treasury, there can be no doubt that crime has been constantly and steadily increasing. "The aggregate criminality of Christendom to-day," writes a most intelligent observer, "is hideous to contemplate, demonstrating the insufficiency of the existing means of repression and the necessity for a change.

The increase of crime among civilized nations is, without doubt, at a rate that exceeds the rate of increase of the population, and although in estimating the increase, it may be that allowance should be made for the lighter offenses that have, with the advance of civilization, been added to the criminal calendar, yet even then the obvious increase is no less appalling, and there is no decrease in the higher offenses and the most atrocious crimes. On the contrary, the highest crimes contribute a large proportion to the aggregate, and furthermore the figures show, as noted by an eminent authority, that the increase of crime is manifested especially in the class of habitual criminals, the convictions for repeated offenses multiplying more rapidly than those for first offenses.

Great Britain is the only country that is exempt from this criticism, and there crime is not on the increase, but, happily, the reports show a marked decrease. In England, the official figures show that criminal convictions have fallen from 15,033 in the year 1868 to 9,348 in the year 1889. In Scotland, taking the same years, there was a falling off from 2,490 to 1,723. In Ireland there was a falling off from 3,084 in the year 1870 to 1,225 in the year 1890. At the same time the population increased, there was immigration from other countries, and there was no inconsiderable amount of foreign and domestic political

agitation. The social conditions of Great Britain are not such as to justify so striking a disparagement of our own country in the contrast between its criminal records and those of Great Britain.

The figures for this country, as revealed in the decennial census taken by the government in 1890, show that the increase of criminals in the United States is from one in 3,442 of our population in the year 1850, to one in 768 in the year 1890, or an increase of 445 per cent.; while the population has increased 170 per cent. in the same period.

The figures of each decade covering this period are as follows:

In 1850, the criminals were one in every 3,442 of population; in 1860, one in every 1,647; in 1870, one in every 1,021; in 1880, one in every 837; in 1890, one in every 768.

In the last decade, immediately before taking the census in 1890, there was an increase of 24.5 per cent. in our population, while the number of the inmates of our penitentiaries, jails and reformatories increased 45.2 per cent., or at a rate nearly twice faster than that of the general population.

Is it not a startling disclosure that with the advance of this wonderfully enlightened nineteenth century, notwithstanding all the progress in knowledge and in the arts, and in everything that seems adapted for civilizing and Christianizing mankind, and developing and sustaining a higher standard of manhood and womanhood, there should stand out before us in bold statistical figures the appalling revelation, that in this country, which boasts the most considerable progress, surpassing all others on the face of the globe, there is an increase of crime at a rate more rapid, almost twice faster than the rate of increase of the population?

In our own State the official statistics show an increase in the number of convicts corresponding to the general increase in the nation at large. The number of inmates in the penal institutions of Pennsylvania in the year 1880 was 5,449, as compared with 7,340 in the year 1890, showing an increase of 34.7 per cent., while the population of the State only increased 22.5 per cent. in the same period, namely, from 4,282,891 in the year 1880, to 5,248,574 in the year 1890.

The increase in the number of criminals is the more alarming, when it is noted that it is not to be attributed as some would fain imagine, to the fact of many minor offences having become criminal with advancing civilization. On the contrary, there is no diminution in the number convicted of higher crimes, and they are to be reckoned as contributing a very large proportion to the general aggregate.

INCREASE OF HIGHER CRIME.

Homicide, representing the highest of crimes, may be instanced in illustration. It is estimated that the total number of homicides in all the leading countries of Europe averages annually not less than 15,000, and the number in the United States averages fully one-third as much. As bearing upon this subject the eleventh census shows that there were 82,329 prisoners in the United States on June 1, 1890, and of these the number charged with homicide was 7,386, or 8.97 per cent. In the tenth census, taken ten years prior, there were reported 4,608 prisoners charged with homicide, which, compared with the number reported in the eleventh census, shows an increase of 59.53 per cent. charged with homicide, while the increase in the total population was 24.5 per cent. in the same decade.

Those charged with homicide have, therefore, increased at a rate more than twice greater than that of the population, showing that the highest crimes are contributing more than their quota or fair ratio to the general increase.

It is of great importance to have it accurately ascertained whether the increase of crime is of such nature as to show mere wantonness of conduct among the people or a more deep-seated corruption of the public morals, and it is by taking into consideration a comparison of the increase of the higher crimes with that of the general increase, embracing all crimes, that the unwelcome truth is forced upon us that there is a deplorable decline in the public morals.

In connection with this, and as a further warrant for the above conclusion, it is to be noted that from accurate statistics it is conservatively estimated that 25 per cent. of the criminal population are professional criminals, and about 50 per cent. are recidivists, or backsliders, who, after release from imprisonment, have returned to crime and been recommitted. In New York State 65 per cent. of the criminals who have been imprisoned return to prison. The warden of the Eastern State Penitentiary of Pennsylvania reports that 25 per cent. who leave there are returned, and reconvictions run up as high as 50 per cent. for prisoners who had been in other prisons.

It is therefore clear that the professional criminals, numbering 25 per cent. of all the convicts, and the habitual or confirmed criminals, numbering 50 per cent., who may be properly considered incorrigible and in all likelihood beyond the hope of redemption for citizenship, are a constant menace to the peace and security of society under our present system of dealing

with the criminal class. Considering this aspect of the subject, it is no longer a question of necessity, but rather of expediency, in determining the methods that may be most effectual and humane in bringing about the permanent elimination of incorrigible criminals from the freedom of society in order to prevent their depredations and to avoid their baneful influence on others, and to check their natural increase.

THE COST OF CRIMINALS.

The cost to society of the criminal class, without reckoning the damage to life and property, is beyond the limits of computation. It is estimated that the enormous sum of \$60,000,000 is expended annually in the United States for the judiciary, police and penal establishments, and the expenditures are annually increasing.

Pennsylvania is contributing a very large proportion of that sum, and without considering the cost of the machinery of the law involved in the detection and conviction of its criminals, the expenditures from the public treasury for the single item of maintenance of the convicts in the penal institutions of the State amount annually to nearly \$2,000,000. In 1879, the last year embraced in the census of 1880, the expenditures of the various penal institutions in Pennsylvania aggregated the sum of \$1,516,072, as compared with the sum of \$1,900,210 in 1889, showing an increase of \$384,138. The cost of county jails alone in the State was \$372,290 in 1880, and \$723,013 in 1890, an increase of 94.2 per cent. The reports of the Board of Public Charities of Pennsylvania show that the expenditures for all classes supported by the State in 1880 amounted to \$4,480,351, and in 1890

they amounted to \$9,511,970, an increase of 110.9 per cent. in a single decade. The Hon. Henry M. Boies, member of the Board of Public Charities of Pennsylvania, in his valuable work on "Prisoners and Paupers," commenting on what appears in the official tables, and remarking that the number of criminals has increased in the last decade at the rate of 54.6 per cent. faster than the population, that the cost of county jails has multiplied more than four times as fast, and the public expenditures on the penal and charitable institutions about five times as fast, points to the astounding fact that the cost to the people of the State for the penal and charitable classes in 1890 was equal to the burden of a bonded debt bearing interest at four per cent. of \$237,799,250, and declares with much force that such a debt resting upon the Commonwealth is an incumbus that is dragging upon the neck of our prosperity just as heavily as though it were a bonded debt, whether we realize it or not.

THE CAUSES OF CRIME.

The causes of crime have long been the subject of profound study. They are in fact many and complex and not easy to determine. What are the principal, immediate, or remote causes are, however, important inquiries. It would be difficult to state definitely the conclusions of the various schools of investigators on this subject, but a few cardinal principles have been established and some important points have been settled and recently brought into prominence that are especially instructive.

It is the well accepted opinion of those capable of judging from a careful study of convicts, that they are criminals largely by reason of constitutional defects of

character through inherent wilfulnesss and outlawry. They are degenerates. Their conduct and evil habits of life clearly indicate their degenerative source. Crime is a social disease and its cure or amelioration demands scientific diagnosis and a treatment addressed to its immediate or remote cause. This calls for a change in the whole method of prescribing punishment for crime according to artificial grades, and makes manifest the necessity of dealing with the individual criminal according to his condition with respect to his attitude towards society.

General I. J. Wister, of Philadelphia, epitomizing the whole trend of modern thought among penologists, in a recent article says: "The main object of modern criminal jurisprudence being the protection of society, punitive vengeance has no proper place in it. The chief classes of persons to be reached are three in number, viz: The infirm of will, the accidental or misled offender, and the habitual criminal. The first is to be deterred, the second reclaimed and the third segregated from society with whom he is by choice at war and on whom, when at large, he unceasingly preys. But in working for these ends the penologist is to have constant regard both for the principles of Christian humanity and for the burdens of the taxpayer. Above all, he must never for a moment forget that the criminal, to whichever class he is referable, must be exposed to no new contamination while forcibly held under control of the State, and that if any convict leaves the prison morally worse than when he entered it, it must be the fault either of the system of confinement or of its execution, and that one or the other is lamentably at fault."

In discussing the causes of crime, nearly every

writer of acknowledged authority regards heredity as one of the most prolific sources of crime. The vices that develop in vast numbers of lives without apparent cause or superinducing environments have come almost invariably from the loins of their progenitors. The tendency to evil is strengthened through generations, and the sins of the parents are visited upon the children unto the third and fourth generation.

It is important in considering the subject of the causes of crime to distinguish what are mere incidents and symptoms from what are the underlying causes of crime. A generally prevalent assumption that ignorance and poverty are among the chief causes of crime has been refuted by careful observations supported by authentic statistics. It is undeniable that many criminals are grossly ignorant, yet even among these their crimes are not always to be attributed to their ignorance, because, however benighted they are, they generally have intelligence enough to distinguish between right and wrong, and most of them can read and write. "The literates," it is well said, "contribute a far larger percentage to the criminal ranks than do the illiterates."

It is likewise evident from the official tables that poverty is not to be fairly classed as one of the chief causes of crime, and it is a fallacy that an undue proportion of crime comes from the pinch and stress of actual want. This has been a subject of most careful examination, and it is declared with confidence by eminent authority that the cause of crime is not to be attributed in any great measure to destitution. Henry C. Lea, one of the ablest of American critics, writing on this subject, argues that pauperism indicates a want of vigor, an inability that runs into shiftlessness, but

an examination into the ages of criminals contradicts any such assumption in regard to them, and shows plainly that they are, in an overwhelming proportion, in the enjoyment of the full vigor of life. Evidence of this is presented in the figures showing the commitments to the prisons, and principally among them the New York State Penitentiary on Blackwell's Island, which reveal the striking fact that ninety-four per cent. of the crimes are committed before the criminal reaches fifty years of age, nearly seventy-five per cent. before they reach forty, while only six per cent. fall in the period of declining age. They also reveal that the largest amount of crime is connected with single life, sixty-three per cent. of the convicts being single and unburdened with the responsibility of providing support for others.

By careful examination of the prison records of Lancaster county for the past ten years a similar state of facts is revealed, the exact figures showing the number of convicts who served sentences imposed by the Judges in the County Court to have been 1,127, distributed as follows:

Between the ages of 10 and 20 years, 134; 20 and 30 years, 579; 30 and 40 years, 293; 40 and 50 years, 79; 50 and over, 42.

The unwelcome fact is thus revealed to us that the youth of our county, as well as of the nation at large, young men and young women under forty years of age, most of them, namely, 51.4 per cent., under thirty years of age, in the full vigor of life, contribute an overwhelming proportion to the criminal population. What an impulse this should give to extend a wise protective and corrective hand towards the youth of our land, and as far as possible to convert a vast horde

of vandals and marauders into a mighty host doing battle for, instead of against society, giving the vigor of their life, not to immorality and crime, but to righteousness and good works and noble citizenship.

In respect to the theories that have been advanced accounting for the existence and increase of crime, the principal causes, most generally noted, are Intemperance, Unrestricted Immigration, the Corruptions Incident to Urban Population, the deplorable condition of our vast negro population, our defective Penal System and imperfect Administration of Criminal Justice. It would be impracticable, under the present limitations, to attempt an exhaustive discussion of these various well recognized agencies that contribute so largely to the prevalence and increase of crime in this country as elsewhere in the world, but it may be instructive to refer to a few of the more prominent facts relating to each in detail, which, it is assumed, will point clearly to their own conclusion.

INTEMPERANCE.

Intemperance, or the excessive indulgence in intoxicating liquor, is a proximate cause of a very large proportion of crime, how large is a matter of dispute and rather difficult to determine, but the testimony of President Dickinson of the Board of Public Charities, of Pennsylvania, in his report for 1890, is significant:

“That 82.7 per cent. of the commitments to the penitentiaries of Pennsylvania in 1889 were addicted to the use of alcoholic drink; that over 87 per cent. of those sentenced to county jails and work houses in that year were addicted to alcoholic drink; that over 42 per cent. of the youths committed to the Huntingdon Reformatory admitted the use of alcoholic drink;

22.7 per cent. of whom acknowledged intemperance.” It is also significant that in Great Britain, where the increase of criminals has been less than the increase of its population, there has been a corresponding decrease in the consumation of intoxicants. In this connection it may be of value to note the testimony of many sociologists and physicians that the foundation of intemperate habits is almost universally laid before the victim has reached the age of thirty years, and it is clearly shown that the tendency is often hereditary and, therefore, needs but little encouragement or opportunity to become a confirmed weakness, and in this country the drinking habit is induced more often by the social custom of treating than by any other cause.

IMMIGRATION.

Unrestricted immigration is well understood to contribute a large proportion to the enormous total of the number of criminals in this country. The foreign population of the United States of the first and second generation, that is, either foreign born, or having one or both parents foreign born, are said by Prof. Wines, the expert statistician, in his report to the United States Government on the eleventh census, taken in 1890, to constitute about 20 per cent. of our whole number and to furnish more than one-third of our criminals and three-fifths of our paupers. During the last decade the number of immigrants has averaged annually 524,661 foreigners, and it is remarked as noteworthy that the more recent immigrants have been recruited from greatly inferior classes. While previous to 1860 over 84 per cent. of the immigrants were either English speaking or German people, there has been a great change in the localities from which

the later immigrants come, as well as in their character. Noting this, Mr. Boise, of the Board of Public Charities, in his able work above cited says: "The proportion of arrivals from the effete races of Russian Jews, Moslem, adherents of the Greek Church, and Romanists, speaking strange tongues, with prejudices, habits, customs and religions of the imbred strength of centuries, has suddenly grown to alarming proportions. These, too, being from the lower classes of their people, are much more difficult of cultivation and transformation, and have a much greater advance to make in order to reach the level of American citizenship than the Anglo-Saxons or Teutons, with some community of race, language or religion, who have hitherto constituted our chief increment."

A most significant fact is revealed in the census reports in regard to the children of our immigrants. In the juvenile reformatories in the United States the foreign population of the country contributes, directly or indirectly in the persons of the foreign born or of their immediate descendants, 5,851, while the entire native population contributes only 3,726, showing a difference of 2,125, or more than twice as great as in the penitentiaries of the country. And, furthermore, the percentage of girls, which ten years ago was 19.27 per cent. of the total number in the reformatories, has increased to 22.30 per cent.; and there are more than five times as many girls in reformatories, in proportion to the number of women who are in penitentiaries.

In Pennsylvania the total native white population in 1890 was 3,238,088. Those foreign born or of foreign parentage numbered 1,910,169, or considerably more than half the total native white population. The official figures further show that the percentage

of foreign adult males who are aliens, unnaturalized, is 35.13 per cent. of all the foreigners in the State, and that 41.40 per cent. of all the aliens, or unnaturalized foreigners, cannot speak the English language.

These official statements show to what an alarming extent foreign immigration contributes to the criminality of our country, and there needs scarcely any other argument to urge the necessity of immediate measures for restricting immigration.

URBAN POPULATION.

The contribution to crime of the urban, compared with that of the rural population, justifies the declaration that vice is propagated and luxuriates in the density of human aggregation, where, close to wealth and all the appointments of highest civilization, are the sinks of iniquity, in which men and women wallow, and little children are reared in an atmosphere of wickedness wholly deprived of the conditions that are essential to the growth of innocent childhood.

The cities throughout the United States are estimated to supply 90 per cent. of the criminals in the public institutions. In Pennsylvania it is computed that Philadelphia furnishes about seven and a-half times and Pittsburg and Allegheny nearly nine times as many criminals as the average of the rural counties of the State.

The density of population not only affords the nursery for crime where children by familiar association are insured to every form of immorality, but in the impersonal relation that exists among the thronging masses crime stalks abroad without attracting attention. Vice is lurking everywhere, not only in its hideous aspect, but in its most attractive and alluring forms.

The most adroit and skillful, the most daring and enterprising in crime seek the great centres of population and wealth as more promising fields of criminal venture. Drawn to the great cities because of the opportunities they afford, not only for the exercise of crime, but also for the concealment of criminal fugitives, they form "a fraternity of crooks, educate one another in the ingenuities of vice and prey upon society."

According to the census of 1890, the number of places of 1,000 inhabitants or more represented 41.69 per cent. of the total population of the United States. Those of 4,000 and upwards were 33.21 per cent. of the total population. Thus, somewhat over a third of the population of the entire country in 1890 may be fairly considered as embraced in the class of urban population, while in 1880 the same category represented 25.79 per cent. or a little more than one fourth.

What may be termed the urban population is therefore increasing at an extraordinary rate compared with the increase of the entire population; and this fact is of importance when considered in connection with the proportion of criminals accredited to the urban population. Following the statistics further and comparing the percentage of places of 8,000 inhabitants or more, we find that in 1880 they represented 22.57 per cent. of the total population of the entire country, and in 1890 they represented 29.20 per cent. The same comparison with reference to places of 25,000 inhabitants or more shows an increase from 17.16 per cent. in 1880 to 22.34 per cent. in 1890. All of which is interesting as indicating the tendency of our modern life and pointing to what is necessary to be provided against in the future.

THE NEGRO POPULATION.

Another element that has to be considered as contributing to the enormity and increase of crime in this country is the negro population, which now numbers, according to the eleventh census, 7,470,040, which is about one-eighth, or 13.5 per cent. of our total numbers, but furnishes over one-third of the convicts. Petty thieving is set down as having "involved by far the largest number of them in the enumerated criminal class." Whatever the explanation for this may be, it reveals an astonishing fact and points out the importance of a more scientific study of the negro problem.

DEFECTIVE LEGAL AND PENAL SYSTEM.

The last cause noted as contributory to the present state of crime is the defective penal system and the imperfect administration of criminal justice. There is no end to the criticisms upon our methods of treating the criminal classes. One writer declares the Criminal Court and jail system are "a reproach upon our intelligence, a disgrace to our civilization and an outrage upon humanity." Many of the laws are an inheritance of barbarism and are based on entirely erroneous ideas of the causes of crime and the treatment of criminals.

Without attempting to enter into the discussion of the much-mooted question of the imperfection of the laws relating to crime and their administration, it may be sufficient to cite the conclusions of the committee of the American Bar Association, composed of eminent and experienced lawyers and jurists, such as David Dudley Field, John F. Dillon and others, who report that "instances of miscarriage of criminal jus-

tice are so frequent and have so shocked the sense of law-abiding people as to lead to a general feeling of want of confidence in the administration of criminal law and of disrespect for those who are concerned in its administration . . . Punishment, certain and swift, should be the fate of all who violate the penal laws." Commenting upon the delay that is so frequent and so much deplored in judicial administration they declare: "These delays are due to various causes, chief among which is the extreme technicality of the rules of criminal procedure, which too frequently results in the granting of new trials and the reversal of criminal judgments. The technical rules have been handed down to us from a time when the statute books of our English ancestors were defiled with more than a hundred capital offences; when the accused was not allowed the benefit of counsel, except to argue questions of law in his behalf. The trial, too, often consisted in a process of the grossest abuse and browbeating on the part of the counsel for the crown. The situation of the prisoner was often so unhappy that humane Judges invented a great variety of technicalities to assist him in escaping from severe penalties of the criminal statutes. As the substantive law of crimes became ameliorated, the reasons which had moved the Judges to countenance these technical objections and escapes from the rigors of the law measurably passed away; but the rules have, too many of them, remained." They further say, "It is the monstrous practice of reversing just and righteous decisions, rendered in conformity with the overwhelming weight of evidence, upon grounds which are technical, and which do not touch the substantial merits that outrages public opinion." And they conclude with the

recommendation that appellate courts should be prohibited from reversing any criminal judgment, whenever upon examination of the evidence they shall be of opinion that the jury has rightly decided the essential question of guilt or innocence."

PUNISHMENT.

The subject of punitive administration, which has to do with the penalty after conviction, has been challenging the attention, not only of philanthropists, but of sociologists, and great advance has been made within recent years, but there is a wide field for scientific study and practical effort. As yet the whole matter is largely experimental. The purpose, and end, and methods of punishment have been long under discussion and are still mooted questions. Modern penologists are attempting to solve the problem of punishment for crime on a basis that eliminates the old punitive theories prescribing punishment in a vindictive sense, and attempts to effect a "correction of the relations of the offender to society"—which, practically, is to reclaim as many as possible from the course of crime, "to cure the curable, and eliminate the incurable or incorrigible by permanent seclusion."

This, it is argued from many quarters, can be effected only by adopting the modern expedient of "Indeterminate Sentences," which is no longer experimental, but has worked admirably and exhibited extraordinary results. In Great Britain this system was established by the Prison Act of 1877, under which convicts are committed to reformatories until they are by proper authority, duly regulated in the provisions of the Act, adjudged permanently restored and fit for social freedom. Those who are manifestly incurable are trans-

ferred to the penitentiary. Referring to the modern reformatory system established in Great Britain, Hon. Robert Stiles, President of the Prison Association of Virginia, is quoted as stating that Great Britain supports over four hundred reformatories and industrial schools, through which have passed in twenty years over four hundred thousand children and youths; and they have been able in Great Britain to close fifty-six out of one hundred and thirteen jails and prisons within ten years. During these ten years the number of male prisoners there has decreased 28 per cent. and the female 45 per cent., and this notwithstanding a natural increase in population. The British Home Office reports: "It is certain that by reformatories and industrial schools a large proportion of the supply of raw material for the manufacture of criminals has, to a great extent, been cut off." These facts point to the urgent necessity of a radical change in the prevalent system of incarceration in county jails in this country, which are condemned as breeders of criminals and unreasonably burdensome to the community.

It would exceed the scope of our present purpose to undertake to prescribe the remedies necessary to cure the ills that are made apparent in this brief examination of the relation to society of the law and the criminals. It can be assumed that the remedies will be applied only after an intelligent apprehension by the public of the real condition and the imperative necessities of the case, and satisfactory results may be confidently expected in this, as in all public matters, from the intelligence and awakened consciences of the American people.

Our immediate purpose will be subserved if, from this review of the grave questions that pertain to the

relation of society towards its criminals, there may result some appreciation of the great practical importance of the subject, and some interests in the efforts that are being made towards solving the problems involved. These problems are important and intricate, their wise solution is imperative, the results to be attained are far-reaching as humanity.

To the supreme task of contriving and enforcing the ways and means of accomplishing the ends of justice, through the law administered in behalf of society in its conflict with crime, may be invoked the most exalted talent and the most fervent zeal of patriots and philanthropists, and the guidance and over-ruling judgment of the divine Law-Giver.

